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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,361	03/30/2004	Fusao Ishiguchi	04536.036001	4983
7590 10/16/2008				
Jonathan P. Osha Osha Novak & May L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 10/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,361

Applicant(s)

ISHIGUCHI, FUSAO

Examiner

HU Y T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date 7/6/05, 3/30/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art described in pages 1-2 of the specification of the present application in view of Schneidewend et al (6,966,064).

The admitted prior art discloses a disc reproducing apparatus having a screen display control unit
controlling display of a prepared screen,
said screen display control unit including:
mode setting means for setting, in accordance with externally provided

instruction information, one of a screen display mode and a screen erasure mode; and control means for permitting output of a display signal to said prepared screen when said screen display mode is set by said mode setting means and inhibiting output of the display signal to said screen when said screen erasure mode is set by said mode setting means, in a case where audio information is reproduced from a disc.

The admitted prior art does not teach a screen erasure mode. Schneidewend teaches a apparatus having a screen control means for setting a prepared screen mode (blue screen mode) or a screen erasure mode blank screen) when a audio signal is reproduced (Fig. 5) based on preprogrammed on screen display information (column 2,line 60 to column 3,line 6, column 4, lines 50-65). It would have been obvious to one of ordinary skill in the art to modify the admitted prior art with Schneidewend by using a screen control means as taught by Schneidewend with the disc reproducing apparatus of the admitted prior art thereby enhancing the capacity of the apparatus of the admitted prior art .

Method claim 12 corresponds to apparatus claim 1. Therefore method claim 12 is rejected by the same reason as applied to apparatus claim 1.

Regarding claim 2, the admitted prior art as modified with Schneidewend further discloses the disc reproducing apparatus having the screen display control unit according to claim 1, further having a key input unit that is externally operated, wherein said screen display control unit further includes:
key determination means for determining, when said screen erasure mode is set and said key input unit is externally operated, type of an operated key of said key input

unit; and key information display means for displaying on said screen information according to the type of the key determined by said key determination means.(See Schneidewend, Fig. 5).

Regarding claims 3 and 4, the admitted prior art further teaches that the disc reproducing apparatus having the screen display control unit, wherein reproduction of said audio information is discontinued according to the type of the key determined by said key determination means since the disc reproducing apparatus having a pause or stop key to make the reproduction of audio is discontinued and to resume the reproduction of the audio .

Regarding claim 5, the admitted prior art as modified with Schneidewend further teaches the instruction information is output in response to operation of a predetermined key of said key input unit (See Schneidewend , Fig. 5,column 4, lines 50-68).

Regarding claims 6 ,8 and 11, the admitted prior art as modified with Schneidewend further teaches the disc reproducing apparatus having the screen display control unit according to claim 5, wherein said disc is a disc having only said audio information to be reproduced or a disc having said audio information and image information to be reproduced (see the admitted prior art and Schneidewend Fig. 5.

Regarding claims 7 and 9, the admitted prior art as modified with Schneidewend further teaches the disc reproducing apparatus having the screen display control unit further having means for displaying a data item operated for designating one of said screen display mode and said screen erasure mode.(see Schneidewend Fig. 5, column

4, lines 40-68).

Regarding claim 10, the admitted prior art as modified with Schneidewend further teaches means for displaying a data item operated for designating one of said screen display mode and said screen erasure mode (See Schneidewend, Figs. 4, 5, column 4, lines 50-68).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621

